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ADDRESSING THE CAUSES BEHIND THE CHICAGO SEX TRADE

by ANDREA CALLOW

Sex work has often been called a victimless crime.¹ If a woman, man or transgendered individual chooses to sell his or her body for money to another consenting adult, then where, many ask, is the problem?² But in Chicago, academics, housing advocates and former sex workers, among others, have joined a movement to reveal prostitution as exploitation and human trafficking.

Chicago has seen a shift away from the criminalization of women who sell sex and a renewed focus on intervention and rehabilitation.³ In particular, state and federal laws against human trafficking are being used as legal tools to pros-

ecute those who exploit women and girls and offer supportive services to the victims of the sex trade.⁴

THE EARLY DAYS OF PROSTITUTION IN CHICAGO

Outdoor prostitution was tolerated in Chicago for years, according to Jody Raphael, Senior Research Fellow at DePaul University College of Law.⁵ However, as areas in Bucktown and Wicker Park started to gentrify in the early 21st century, residents began complaining.⁶ Homeowners initiated aggressive campaigns to rid their increasingly pricey neighborhoods of the sex trade.⁷

In response to resident complaints, Chicago police started cracking down on the women selling sex.⁸ Law enforcement employed the model used for the drug trade, sweeping up as many prostitutes as possible and upgrading their solicitation misdemeanors to felonies.⁹ Girls and women were arrested, convicted, and sentenced to a year in Dwight Correctional Facility, though most only served 61 days.¹⁰

Felony records negatively impacted the women's prospects for employment, public housing, and other public benefits and professional opportunities.¹¹ The felony records paradoxically made it even more difficult for women to exit the sex trade and cease criminal behavior.¹²

Historically, women selling sex in Chicago have borne the brunt of the criminal justice system's response to prostitution. A misdemeanor charge typically given to prostitutes may be upgraded to a felony, whereas a misdemeanor charge in Illinois typically given to customers cannot.¹³ In Chicago, two-thirds of the approximately 4,000 annual prostitution-related arrests are of women prostituting, less than one-third are of men buying sex and less than one percent are of pimps.¹⁴ Community activists took note of this phenomenon, and in reports and advocacy campaigns attempted to bring attention to the plight of sex workers.

A SHIFT IN APPROACH: THE INTERSYSTEM ASSESSMENT

As ire mounted in communities burdened by outdoor prostitution and more women were arrested and imprisoned, a movement spearheaded by housing advocates sought to identify and address the needs of these women.¹⁵ In 2002,

a report on the increasing rate of incarceration of women was conducted by the Chicago Coalition for the Homeless.¹⁶ This report documented that 41 percent of the women interviewed in Cook County Jail had prostituted at least once and that 34 percent were regularly involved in the sex trade.¹⁷

The report highlighted the victimization of women involved in prostitution. According to one interviewee, “[I got into prostitution] because I was molested, homeless, needed things that I needed to survive, and was too young to work and did not know any other way.”¹⁸

In a 2003 New York Times article, Chicago was identified as a national hub for human trafficking.¹⁹ Chicago is an attractive location for traffickers. Access to airports and major interstates offers strategic entry points for traffickers and their victims and the city’s status as a tourist destination ensures that demand stays high.²⁰ In response to growing pressure from advocates, Mayor Richard Daley commissioned an Intersystem Assessment (ISA) Work Group in 2003.

The ISA Work Group sought to document Chicago’s response to the sex trade and improve how law enforcement and other first responders interacted with sex workers.²¹ The ISA issued a comprehensive 110-page report, documenting failures in the current legal response to the sex trade industry and issuing several broad recommendations.²² These included the development of specialized service options and resources for prostituted women, men, and transgendered individuals, and an increased focus by law enforcement on the demand side of the sex trade industry.²³ The “demand side” as identified by the report refers to those responsible for perpetuating the sex trade industry and includes customers, pimps/arrangers, and sex traffickers.²⁴

HUMAN TRAFFICKING LAWS AS LEGAL TOOLS

New legal strategies are being employed to prosecute those who coerce girls and women into selling sex—namely traffickers and pimps. The Trafficking Persons and Involuntary Servitude Act of Illinois, passed in 2005, is one of the country’s strictest state anti-trafficking laws.²⁵ Additionally, the Federal Trafficking Victims Protection Act of 2000 provides protection and assistance for victims of trafficking by offering federally-funded social service programs such as education, health care, job training, and housing.²⁶

Recently, the Cook County State's Attorney Office secured the first jury verdict against a pimp under the new Illinois human trafficking law.²⁷ Troy Bonaparte, 46, was charged last August following a joint investigation by the States Attorney's Human Trafficking Initiative Unit and the Cook County Sheriff's Police Vice officers.²⁸

The unique supportive services afforded through federal human trafficking laws have likewise become a crucial component of the response strategy to the victimization of prostituted women.²⁹ Fifty percent of the girls and women involved in the sex trade in Chicago were coerced into participating.³⁰ According to Professor Raphael, without appropriate supportive services like those offered by the state and federal laws against human trafficking, these women would find it very difficult to safely exit the sex trade.³¹

"WE TAKE ALL COMERS"

In its 2003 report, the ISA identified the need for specialized supportive services for individuals involved in the sex trade. One such program that offers a comprehensive range of medical and psycho-social services in Chicago is the Footprints program, an initiative of the Christian Community Health Center. As Program Director Tricia Ford put it, Footprints "takes all comers."³² Services are available for women trying to transition out of the trade, as well as for women who choose to continue to sell sex.³³ Footprints also identifies women who are at risk for entering the trade and provide early intervention services.³⁴

The clients and staff of Footprints have seen a shift in the way the criminal justice system interacts with women who sell sex.³⁵ According to Ford, law enforcement is seeking to do more intervention activities to address some of the underlying factors that contribute to a woman entering prostitution, rather than merely cracking down on them with felony upgrades for solicitations charges.³⁶

CONCLUSION

Over the course of the past several years, Chicago has seen a shift in the way law enforcement, the criminal justice system, and social service providers respond to individuals in the sex trade. As Ford noted, referring to women who

sell sex, “[I]t’s a complex population, with complex needs.”³⁷ In recognition of this complexity, first responders in Chicago have attempted to crack down on pimps and traffickers while simultaneously providing supportive services for women seeking to exit the sex trade. Only time will tell whether this new strategy will positively impact the quality of life for the victims of the sex trade in Chicago.

NOTES

1 See Melissa Farley and Victor Malarek, *The Myth of the Victimless Crime*, N.Y. TIMES, Mar. 12, 2008, available at <http://www.nytimes.com/2008/03/12/opinion/12farley.html>.

2 Interview with Jody Raphael, Senior Research Fellow and Professor of Law, DePaul University College of Law, in Chicago, Ill. (Mar. 15, 2011). There has emerged a new school of feminism which conceptualizes sex work as feminine empowerment. See WHORES AND OTHER FEMINISTS (Jill Nagle Ed., 1997). According to Professor Raphael, this school of academic thought is effective only for women with political and economic agency. According to her research on sex workers in Chicago, prostitution is rarely an affirmative choice, but rather the result of coercion or survival.

3 Interview with Jody Raphael, *supra* note 2.

4 Jody Raphael and Jessica Ashley, DOMESTIC SEX TRAFFICKING OF CHICAGO WOMEN AND GIRLS (2008), http://www.law.depaul.edu/centers_institutes/family_law/pdf/sex_trafficking.pdf.

5 Interview with Jody Raphael, *supra* note 2.

6 *Id.*

7 *Id.*; see also Sarah Karp & Stephanie Williams, *Protesting Prostitution- Keeping Current*, CHI. REPORTER, Sept. 2002, available at http://findarticles.com/p/articles/mi_m0JAS/is_8_31/ai_92527086/.

8 Interview with Jody Raphael, *supra* note 2.

9 *Id.* The model employed by law enforcement when fighting the “war on drugs” in the late eighties through the present day focused on tough sentencing and incarceration for drug users. For more information and critique on the American criminal justice system’s response to drug use. See Bryan Stevenson, *Drug Policy, Criminal Justice and Mass Imprisonment* (Global Commission on Drug Policies, Working Paper, 2011), available at http://www.globalcommissionon-drugs.org/Arquivos/Global_Com_Bryan_Stevenson.pdf.

10 Interview with Jody Raphael, *supra* note 2.

11 Emily Muskovitz Sweet, *The Intersystem Assessment on Prostitution in Chicago*, THE MAYOR’S OFFICE ON DOMESTIC VIOLENCE (Oct. 2006), http://www.cityofchicago.org/content/dam/city/depts/fss/supp_info/DV/ProstitutionSystemAssmtChicago.pdf.

12 For an analysis on the negative impact of a felony criminal record see Elena Saxonhouse, *Unequal Protection: Comparing Former Felons’ Challenges to Disenfranchisement and Employment Discrimination*, 56 STAN. L. REV. 1597 (2004).

13 The state misdemeanor charge typically given to individuals selling sex may be upgraded to a felony, 720 ILCS 5/11-14(b), whereas the state misdemeanor charge typically given to customers may not, 720 ILCS 5/11-14.1

14 *Sex Trafficking in Illinois*, END DEMAND ILLINOIS, http://www.enddemandillinois.org/sex_trafficking_in_illinois_2.html.

- 15 *Id.*
- 16 *Unlocking Options for Women: A Survey of Women in Cook County Jail*, CHI. COALITION FOR THE HOMELESS (Apr. 2002), <http://www.prisonpolicy.org/scans/jailstudy.pdf>.
- 17 *Id.*
- 18 *Id.*
- 19 *Human Trafficking in Illinois*, ILL. RESCUE AND RESTORE COALITION, <http://www.dhs.state.il.us/OneNetLibrary/27897/documents/Initiatives/Trafficking/Information%20sheet.pdf>.
- 20 *Id.*
- 21 Sweet, *supra* note 11.
- 22 *Id.*
- 23 *Id.*
- 24 *Id.*
- 25 *See Human Trafficking in Illinois*, *supra* note 19.
- 26 *Trafficking Victims Protection Act of 2000: Fact Sheet*, THE U.S. DEP'T OF HEALTH AND HUMAN SERV., http://www.acf.hhs.gov/trafficking/about/TVPA_2000.pdf.
- 27 Press Release, Cook County State's Attorney Office, Cook County Prosecutors Secure First Jury Conviction Under Human Trafficking Initiative (Mar. 24, 2011), *available at* http://www.statesattorney.org/index2/press_humantrafficking02.html.
- 28 *Id.*
- 29 Sweet, *supra* note 11.
- 30 Interview with Jody Raphael, *supra* note 2.
- 31 *Id.*
- 32 Telephone Interview with Tricia Ford, Director of Programming for Footprints, Christian Community Health Center (March 21, 2011).
- 33 *Id.*
- 34 *Id.*
- 35 *Id.*
- 36 *Id.*
- 37 *Id.*